	Application No.	cation No. Applicant(s)	
Notice of Allowability	09/989,277	LAGACE ET AL.	
	Examiner	Art Unit	
	Tho v. Duong	3753	
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF of the Office or upon petition by the applicant. See 37 CFR 1.313	ears on the cover sheet wi (OR REMAINS) CLOSED in or other appropriate commit GHTS. This application is s	n this application. If not included unication will be mailed in due of	l ourse. THIS
1. \boxtimes This communication is responsive to <u>12/12/05</u> .			
2. The allowed claim(s) is/are 40-50.			
 3. Acknowledgment is made of a claim for foreign priority ur a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority do 	been received. been received in Application	on No	on from the
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file IENT of this application.	e a reply complying with the requ	irements
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give	itted. Note the attached EX es reason(s) why the oath o	AMINER'S AMENDMENT or NC r declaration is deficient.	TICE OF
5. CORRECTED DRAWINGS (as "replacement sheets") must	st be submitted.		
(a) ☐ including changes required by the Notice of Draftspers	son's Patent Drawing Review	w (PTO-948) attached	
1) hereto or 2) to Paper No./Mail Date			
(b) including changes required by the attached Examiner' Paper No./Mail Date			
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t	.84(c)) should be written on t he header according to 37 CF	he drawings in the front (not the b R 1.121(d).	eack) of
6. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	SIT OF BIOLOGICAL MATE FOR THE DEPOSIT OF BIO	ERIAL must be submitted. No DLOGICAL MATERIAL.	ote the
Attachment(s)	_		
1. Notice of References Cited (PTO-892)		oformal Patent Application (PTO	-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	Paper No.	ummary (PTO-413), /Mail Date	,
 Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 	08), 7. ☐ Examiner's	Amendment/Comment	
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. 🛭 Examiner's	Statement of Reasons for Allov	vance
	9.	Tho v Duong Primary Examiner Art Unit: 3753	2

Notice of Allowability

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DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed 12/12/05, with respect to the double patenting rejection have been fully considered and are persuasive. The claimed subject matters of the divisional claims are the results of restriction requirements sent 7/12/01 and 12/4/01 in the parent application No. 09/770,021. The double patenting rejection of claims 40-50 has been withdrawn.

Allowable Subject Matter

Claims 40-50 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record either taken singularly or in combination fails to disclose the claimed subject matter.

Reference to Munster is the closest reference however it fails to disclose a defrost air path cycle with details as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F (first Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keasel Eric can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tho v Duong

Primary Examiner Art Unit 3753

TD

February 15, 2006